

REMARKS

The Amendments

Claims 1-26 are replaced by new claims reciting essentially the same subject matter but in a format more customary to US practice. The modifications to the claims address the objections/rejections made in the Office Action. The amendments do not narrow the scope of the claims.

Support for the recitation in new claim 27, replacing claim 1, of:

"or a pharmaceutically acceptable salt, hydrate, or solvate thereof,
or a derivative thereof modified by alkyl, acyl, sugar or oligopeptide groups,
or an isolated stereoisomer or E/Z isomer thereof or mixtures of such
stereoisomers or E/Z isomers in all ratios,"

is found in the disclosure at page 10, lines 1-16.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Information Disclosure Statement

In response to the requirement that applicants provide the two WO documents cited in the WIPO search report, applicants submit that the two WO documents have corresponding US patents thereto, which was listed in the Search Report provided with the IDS. These are

U.S. Patent Nos. 6,479,494 and 6,417,188. Applicants request that these documents be considered in place of the WO documents, since they are in the English language. It is not necessary for applicants to submit copies of US patents, thus, they are not provided.

The Claim Objection

The objection to claim 14 is believed to be rendered moot by the above amendments replacing the claims with new claims not containing the objected to recitations.

The Rejection under 35 U.S.C. §112

The rejection of claims 1-26 under 35 U.S.C. §112 is believed to be rendered moot by the above amendments replacing the claims with new claims not containing the objected to recitations.

Regarding the "derivatives" term, the claim now states the specific type of derivative intended. Regarding the "mixtures thereof in all ratios" term, it is submitted that one of ordinary skill in the art would clearly recognize that isomeric forms can be provided in any ratio of each of the isomers, e.g., a racemic mixture is in a 50:50 ratio of two stereoisomers. It is believed that the meaning of this term and its metes and bounds would have been clear to one of ordinary skill in the art. Thus, it is definite under 35 U.S.C. §112, second paragraph.


The Rejection under 35 U.S.C. §101

The rejection of claims 17-23 under 35 U.S.C. §101 is believed to be rendered moot by the above amendments replacing the claims with new claims not containing the objected to recitations.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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